

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New Jersey

United States of America

v.

KENNETH KLINE

Case No.

15-mj-1024 (AMD)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 03/16/2015 in the county of Atlantic in the
District of New Jersey, the defendant(s) violated:

Code Section

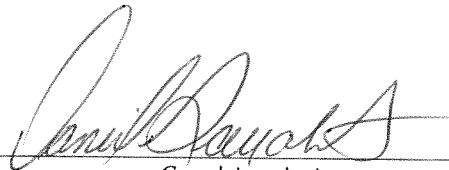
18 U.S.C. 2252A(a)(5)(B)

Offense Description

Possession of child pornography

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.



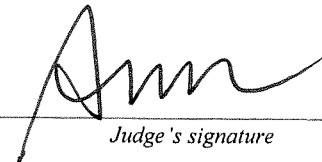
Complainant's signature

Daniel Garrabrant, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 04/23/2015



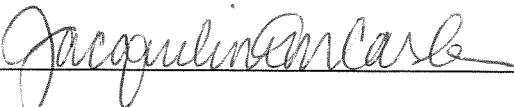
Judge's signature

City and state: Camden, New Jersey

Ann Marie Donio, U.S. Magistrate Judge

Printed name and title

CONTENTS APPROVED

BY: 
JACQUELINE M. CARLE, AUSA

04/23/2015

AFFIDAVIT

1. I have been employed as a Special Agent of the FBI ("SA") since 1998, and am currently assigned to Newark Division, Atlantic City Resident Agency, located in Northfield, New Jersey. While employed by the FBI, I have investigated federal criminal violations related to high technology or cybercrime, child exploitation, and child pornography. Since 1998, I have been a Crimes Against Children Coordinator for the Newark Division. As a Crimes Against Children Coordinator, I have worked on a variety of child exploitation cases, including cases involving child pornography on the Internet, or "Innocent Images" cases. The FBI's Innocent Images National Initiative investigates individuals suspected of being involved in the online sexual exploitation of children. I have received training in the area of child pornography (as defined in 18 U.S.C. § 2256) and child exploitation, and as part of my duties as a SA assigned to a Child Exploitation Task Force, I have investigated violations relating to child exploitation and child pornography, including violations pertaining to the possession, distribution, receipt, and production of child pornography, in violation of Title 18, United States Code, Sections 2251, 2252(a), 2252A, and 2. As part of my duties as a SA assigned to a Child Exploitation Task Force, I have had the opportunity to observe and review numerous examples of child pornography in all forms of media, including computer media. I have also participated in the execution of many search warrants, including searches involving child exploitation and/or child

pornography offenses. As a federal agent, I am authorized to investigate violations of the laws of the United States and to execute warrants issued under the authority of the United States.

2. A user of the Internet account at 28 Martin Luther King Avenue, Apt. A, in Pleasantville, New Jersey was linked to "Website 19," a website whose primary purpose was to advertise and distribute child pornography. Evidence revealed that a user of the Internet account at that address was a registered member of Website 19 and uploaded child pornography to Website 19.

3. Website 19 was an online bulletin board whose primary purpose was the advertisement and distribution of child pornography. The website operated throughout 2012-2014 and ceased operating in December 2014. As of December 2014, the website contained 416,198 posts and 105,651 registered users. Website 19 required its users to continually share child pornography in order to gain and keep membership.

4. Website 19 was organized by different topical areas or forums. For example, "Application Rules" or "Hardcore" would have individual threads containing posts that one would expect topically conform to the forum heading. A review of the initial forums accessible on Website 19 prior to registering an account with the website revealed a post entitled "Application Rules," which contained the following instructions, among other things:

- a. ...Must contain clearly preteen hardcore material (does NOT need to be private, rare or new); no softcore, no JB or borderline JB; if at least one of the participants is 12 years old or less, flat-chested, hairless and engaging in sexual activity, it most likely

qualifies (this requirement applies to applications only)....

- b. ...Must have 50-200 MB of total uploads, which may consist of one or more videos or image sets in a single post; posts containing less than 50 or more than 200 MB of uploads will be rejected (this requirement applies to applications only)....
- c. ...An Admin Team member will review your application post and, if not approved, a reply will be posted that explains what is missing or incorrect with the post. Please allow up to 48 hours for the review process to be completed. Once you have created a post that conforms to the rules, you will be promoted to Full Member and be granted access to the posting forums.

5. Another forum on Website 19 that was available prior to registering an account contained a post entitled "Activity Rules and Posting Information."

Review of this post revealed the following text, among other things:

- a. ...What does count as a contribution and what does not?
COUNT as contribution:
Set(s) of pictures and/or videos displaying child/teen (pubescent) modeling, child/teen (pubescent) nudity, softcore or hardcore erotica.
Nudism/naturism.
Webcam captures.
Working *backdoors* and passwords of on-topic sites (if they don't require JavaScript or Flash).
Helping the community with tutorials, re-uploads and filling requests of all of the above.....
- b. ...DON'T COUNT as contribution:
Late teen nudity/erotica/porn (Jailbait who passed puberty and look like adults: ±14 years old for girls and ±15 years old for boys).
Adult nudity/erotica/porn. This includes fake jailbait porn (young looking women that act like teenagers but are obviously 18+)
- c. All Full Members are required to contribute at least once every 30 days. The first 30-day contribution period begins on the day of promotion to Full Member.

- d. VIP Members: All VIP Members are required to contribute at least once every 30 days, in any section of the board.
- e. SVIP Members: All SVIP Members are required to contribute at least once every 30 days, in any section of the board.

6. After reviewing the above forums and postings, on July 23, 2014, an undercover FBI agent accessed Website 19 using an account previously registered on the website by a user of the website, and subsequently seized by law enforcement, pursuant to the user's consent to assume his online identity.

7. After successfully logging into Website 19, a review of the various topics within the forums (such as "Hardcore," "Pics," and "Vids") exposed, among other things, numerous image and/or video files that contained child pornography ("CP") or child erotica. The images included depictions of prepubescent females, males, and toddlers with their genitals lasciviously exhibited,¹ as well as prepubescent females, males, and toddlers engaged in sexual acts. The sexual acts included anal, vaginal, or oral penetration. The last post section included the date and time of the post as well as the author. Upon accessing a topic, the original post appeared at the top of the page, with any corresponding replies to the original post included in the post thread below it. Typical posts appeared to contain text, images, thumbnail previews of images, compressed files (such as ".rar" files), links to external sites, or replies to previous posts.

8. Examples and descriptions of posts containing child pornography

¹ In each of these depictions, the minors were nude or partially nude with their genitals clearly exhibited in the depiction. The genitals were the focal point of the image and the minors were posed in a sexual way to clearly elicit a sexual response in the viewer.

depicting prepubescent females and males are as follows:

- a. On July 23, 2014, a user posted a topic in the Webcams-Boys forum that contained numerous images constituting child pornography and child erotica of prepubescent males. Several of these images depicted the naked prepubescent males lying next to each other with their legs spread apart, exposing their genitalia, and holding their penises.
- b. On July 11, 2014, a user posted a topic in the Hardcore-Girls-Pics forum that contained numerous images constituting child pornography and child erotica of a prepubescent female. Several of these images depicted the naked prepubescent female lying on what appeared to be a bed with her legs spread apart and being anally and vaginally penetrated by an adult male.

9. A private message feature was also available on the site that allowed users to send each other private messages.

10. Website 19 operated on a computer network, hereinafter “the Network,” available to Internet users that is designed specifically to facilitate anonymous communication over the Internet. In order to access that Network, a user must install computer software that is publicly available, either by downloading software to the user’s existing web browser, downloading free software available from the network’s administrators, or downloading a publicly-available third-party application.² Using the Network prevents someone attempting to monitor an Internet connection from learning what sites a user visits and prevents the sites the user visits from learning the user’s physical location. Because of the way the Network routes communication through other computers, traditional IP identification techniques are not viable.

² Users may also access the Network through so-called “gateways” on the open Internet; however, use of those gateways does not provide users with the anonymous benefits of the Network.

Websites that are accessible only to users within the Network can also be set up within the Network. Website 19 is just such a website. A user could only reach websites like Website 19 if the user is operating in the Network.

11. While accessing Website 19 in an undercover capacity using an account previously seized by law enforcement, an undercover FBI agent observed the user profile of Website 19 user "oneworld." Profile information on Website 19 may include contact information and other information that is supplied by the user. It also contains information about that user's participation on the site, including statistical information about the user's posts to the site and a categorization of those posts.

12. The profile page of user "oneworld" indicated that this user originally registered an account on Website 19 on November 18, 2013. According to the user "oneworld's" profile, this user was a Full Member of Website 19.

13. According to the statistics on user "oneworld's" profile page, between November 18, 2013, and December 9, 2014, this user made a total of approximately 15 postings to Website 19. Examples and descriptions of these posts are as follows.

14. On October 10, 2014, the user "oneworld" made a post entitled "she like to rub." This post contained a preview image, also known as a contact sheet, as well as a hyperlink to an external website containing the full file, and a password to open the file.

15. That contact sheet contained 16 images, the majority of which contained child pornography depicting a prepubescent female, including those depicting the female with her legs spread apart, exposing her vagina. The hyperlink was not accessible.

16. On April 4, 2014, the user “oneworld” made a post entitled “reapply for access.” This post contained a contact sheet, as well as a hyperlink to an external website containing the full file, and a password to open the file.

17. That contact sheet contained 16 images, the majority of which contained child pornography and child erotica depicting three prepubescent or early pubescent females, including those depicting the females with their legs spread apart, exposing their vaginas. The hyperlink was not accessible.

18. The FBI has been advised by a foreign law enforcement agency (hereinafter “FLA 1”) that in June 2014, FLA 1 arrested a user of Website 19. Pursuant to the arrest, FLA 1 obtained consent to assume this user’s account on Website 19 and took over operation of the account. Further review revealed that this user had access to a backup copy of Website 19. FLA 1 then provided a copy of this backup to the FBI, along with copies of subsequent backups obtained after FLA 1 assumed that user’s identity.

19. FBI review of the backup data provided by FLA 1 revealed information on users’ accounts, profiles posts, and private messages. One of these accounts was the account of user “oneworld.” A review of this account revealed that this user also sent/received numerous private messages to/from other users.

20. The FBI was also advised by foreign law enforcement agencies that after the arrest of the user described in paragraph 19, the physical location of the computer server hosting Website 19 was identified and seized by a second foreign law enforcement agency ("FLA 2"). The FBI has been advised that the person who had been operating that server was also arrested by FLA 2 and provided consent to assume his account on Website 19. FLA 2 then provided a copy of the computer server hosting Website 19 to FLA 1, in accordance with each of those countries' applicable laws.

21. The FBI has been further advised that, acting independently and in accordance with its own national laws, FLA 1 assumed control of Website 19 in September 2014 and began operating the site from a computer server in its own jurisdiction. Website 19 operated under control of FLA 1 until the first week of December, 2014, when Website 19 ceased to operate.

22. Websites that operate on the open Internet generally have IP address logs that can be used to locate and identify the site's users. In such cases, after the seizure of a website whose users are engaging in unlawful activity, law enforcement can review those logs in order to determine the IP addresses used to access the site. A publicly available lookup could then be performed to determine what ISP owned the target IP address. A subpoena would then be sent to that ISP to determine the user to which the IP address was assigned at a given date and time.

23. However, because of the Network software utilized by Website 19, any logs of user activity on the site, if they contained IP address information at

all, would have only contained the IP addresses of the last computer through which the communications of Website 19 users were routed before the communications reached their destinations (the destination being Website 19). It is not possible to trace such Internet use back through the Network to the actual users who sent the communications or requests for information. Those IP address logs therefore could not be used to locate and identify users of Website 19.

24. FLA 1 advised the FBI that in early November 2014, acting independently and according to its own national laws, FLA 1 uploaded a hyperlink to a file within a forum on Website 19 that was accessible only to registered members of Website 19. The hyperlink was advertised as a preview of a child pornography website with streaming video. When a Website 19 user clicked on that hyperlink, the user was advised that the user was attempting to open a video file from an external website. If the user chose to open the file, a video file containing images of child pornography began to play, and FLA 1 captured and recorded the IP address of the user accessing the file. FLA 1 configured the video file to open an Internet connection outside of the Network software, thereby allowing FLA 1 to capture the user's actual IP address, as well as a session identifier to tie the IP address to the activity of a particular Website 19 user account.

25. FLA 1 reported to the FBI that on November 13, 2014, user "oneworld" signed into Website 19 and accessed the video file described in the previous paragraph from IP address 24.0.131.148.

26. In December 2014, an FBI administrative subpoena was issued to Comcast in regards to IP address 24.0.131.148 as of November 13, 2014. A review of the results obtained identified the following account holder: Kline Kenneth, 28 Martin Luther King Avenue, Apt A, Pleasantville, New Jersey 08232.

27. A check of publicly available databases revealed that a Kenneth Kline resides at 28 Martin Luther King, Apartment A, Pleasantville, New Jersey 08232.

28. A check of criminal history records for Kenneth Kline indicate that he was arrested for Aggravated Sexual Assault and Endangering the Welfare of a Child on July, 7, 2005 by the Hamilton Township Police Department.

- a. A review of Hamilton Township Police reports indicates that Kenneth Kline's stepdaughter (K.F.) alleged that Kline began sexually assaulting her when she was four years old. She alleged that Kline continued to sexually assault her until she was approximately 13.
- b. K.F. also acknowledged finding a computer file on a computer being used by Kline with the folder name: "Emily-11." When opened the folder contained images of a naked minor female.
- c. When Kline's computer was seized in connection with that investigation, it was found to have software called "Window Washer" from "Webroot." This software is designed to scrub a computer and make selected files unrecoverable.

d. Kenneth Kline was acquitted of the charges after a trial.

29. Kenneth Kline no longer resides with K.F.'s mother.

30. A check of the Atlantic County Sheriff's Office revealed that Kenneth Kline was arrested on October 21, 2014 for contempt of court in connection with child support payments. At that time, Kline provided a home address of 28 Martin Luther King Avenue, Apartment A, Pleasantville, New Jersey.

31. A check of the New Jersey Department of Motor Vehicles revealed that Kenneth Kline has an address listed as 28 Martin Luther King Avenue, Pleasantville, New Jersey.

32. On February 20, 2015, it was determined that the Atlantic County Sheriff's Office issued a warrant for Kenneth Kline for failure to pay child support. The letter notifying Kline was sent to 28 Martin Luther King Ave., Apt A, Pleasantville, NJ. The letter was not returned.

33. The Atlantic County Sheriff's Office had information that indicated that Kenneth Kline was employed by AJ's Food Market, Pleasantville, New Jersey, off the books.

34. On February 23, 2015 and February 24, 2015, surveillance units observed Kenneth Kline come from the area of the residence at 28 Martin Luther King Avenue, Apartment A, Pleasantville, New Jersey. A short time after observing Kline in that area, additional surveillance units observed Kenneth Kline working at AJ's Food Market, located at 901 Shore Road, Pleasantville, New Jersey.

35. On March 9, 2015, your affiant sought and obtained a federal search warrant for 28 Martin Luther King Avenue, Apt. A, Pleasantville, New Jersey from the Honorable Ann Marie Donio, United States Magistrate Judge under Mag. No. 15-1019 (AMD).

36. Law enforcement agents executed the search warrant of 28 Martin Luther King Avenue, Apt. A, Pleasantville, New Jersey on March 16, 2015 and seized a number of items, including but not limited to an HP computer, model number 23-b010 bearing serial number 3CR3280DHQ, a PNY thumb drive, model number USB 3.0 FD, bearing serial number AA4B0323A0010705, and a Toshiba thumb drive, model Trans Memory, bearing serial number 000FEA0AB9F5BA70.

37. On March 16, 2015, Kenneth Kline voluntarily consented to an interview with federal law enforcement agents. The interview was audio recorded. The agents provided Kline with his Miranda rights prior to questioning. In sum and substance, Kline admitted to downloading and possessing child pornography on his computer.

38. Your affiant reviewed a portion of the content on the Toshiba thumb drive identified in paragraph 36 above and determined that there were more than three images of child pornography contained on that thumb drive.